



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walter H. Günzburg and Brian Salmons
Application No.: 09/965,135 Group: 1648
Filed: September 27, 2001 Examiner: Not Assigned
For: Novel Recombinant DNA Vectors For Gene Therapy

COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>12-4-01</u>	<u>Jenine Crump</u>
Date	Signature
<u>Jenine Crump</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated October 22, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- [X] **EXECUTED DECLARATION/POWER OF ATTORNEY**
(Separate transmittal letter and postcard not required)
- [X] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.
(Separate transmittal letter and postcard not required)
- [X] **SURCHARGE** - surcharge fee of \$130.00.
(Separate transmittal letter and postcard not required)
- [X] **SEQUENCE LISTING** - Filed concurrently and is attached.
(Separate transmittal letter and postcard required)

TRANSMITTAL OF SUBSTITUTE DRAWINGS

Sheets of substitute drawings consisting of Figs. 1 - are enclosed.
(Separate transmittal letter and postcard not required)

PETITION FOR EXTENSION OF TIME

Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated for month(s) from to . The appropriate fee of \$ is included in the enclosed check.

A month extension of time to respond to the Notice to File Missing Parts dated was filed on with payment of a \$ fee.

Applicant hereby petitions for an additional month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$ is included in the enclosed check.

(Separate Petition for Extension of Time and postcard not required)

REQUEST FOR CORRECTED FILING RECEIPT - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

STATEMENT CLAIMING SMALL ENTITY STATUS

Was filed on .

Is enclosed herewith.

(Separate transmittal letter and postcard not required)

In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$ which were paid on to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$870. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins

Anne J. Collins
Registration No.: 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: December 4, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walter H. Günzburg and Brian Salmons
Application No.: 09/965,135 Group:1648
Filed: September 27, 2001 Examiner:Not Assigned
For: Novel Recombinant DNA Vectors For Gene Therapy



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on <u>12-4-01</u>	<u>Jenine Crump</u>
Date	Signature
<u>Jenine Crump</u>	
Typed or printed name of person signing certificate	

REQUEST UNDER 37 C.F.R. §1.821(e)

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Notice to File Missing Parts of Application mailed from the Patent Office on October 22, 2001, a copy of which is attached.

Pursuant to 37 C.F.R. §1.821(e), it is hereby requested that the computer readable form of the Sequence Listing filed on March 27, 1998 in prior application Serial No. 08/925,214, filed September 8, 1997, serve as the computer readable form for the subject application.

As required by 37 C.F.R. §1.821(f), the undersigned hereby states that the content of the Sequence Listing in paper form filed concurrently herewith and the content of the above-referenced computer readable form of the Sequence Listing filed in prior application Serial No. 08/925,214 are the same. As required by 37 C.F.R. §1.821(g), the undersigned also states that the submission contains no new matter.

Respectfully submitted,
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins

Registration No. 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Date: December 4, 2001



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

FREE TRANSMITTAL FOR PATENT APPLICATIONS	Attorney Docket Number	2316.1002-001	COPY OF PAPERS ORIGINALLY FILED
	Application Number	09/965,135	
	First Named Inventor	Walter H. Günzburg	

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS <small>(37 CFR 1.16(c) or (j))</small>	17 - 20* =	0	x \$ 18 =	\$ 0
	INDEPENDENT CLAIMS <small>(37 CFR 1.16(b) or (l))</small>	2 - 3** =	0	x \$ 84 =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) <small>(37 CFR 1.16(d))</small>			+ \$ 280 =	\$
				BASIC FEE <small>(37 CFR 1.16(a) or (h))</small>	\$ 740
				Total of above Calculations =	\$ 740
				Reduction by 50% for filing by small entity <small>(37 CFR 1.9, 1.27, 1.28)</small> =	\$
				TOTAL =	\$ 740
				Surcharge - Late Filing of Declaration or Filing Fees <small>(37 C.F.R. 1.16(e))</small> =	\$ 130
				Petition for Extension of Time Fee <small>(37 C.F.R. 1.17)</small> =	\$
				Assignment Recordation Fee = <small>(only when filed with application)</small>	\$
				TOTAL =	\$ 870

* Reissue claims in excess of 20 and over original patent
 ** Reissue independent claims over original patent

1. Small entity status:
 - a. A small entity statement is enclosed.
 - b. A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
 - c. Is no longer claimed.
2. A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.
3. A check is enclosed for \$870. Please charge \$[] to Deposit Account No. 08-0380.
4. Other: _____

Signature	<i>Anne J. Collins</i>	Date	<i>December 4, 2001</i>
Submitted by Typed or Printed Name	Anne J. Collins	Reg. Number	40,564



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/965,135	09/27/2001	Walter H. Gunzburg	2316.1002-001

CONFIRMATION NO. 2027

FORMALITIES LETTER



OC000000006945453

Anne J. Collins, Esq.
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 10/22/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

BEST AVAILABLE COPY

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

~~01/09/2002 BSAYAS11 00000017 09965135~~

~~01 FC:101~~

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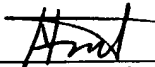
01 FC:101
02 FC:105

740.00 0P
130.00 0P

For questions regarding compliance with these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY